

111TH CONGRESS  
1ST SESSION

# H. R. 858

To prohibit the manufacture, marketing, sale, or shipment in interstate commerce of products designed to assist in defrauding a drug test.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 2009

Mr. ENGEL (for himself, Mr. TERRY, and Mrs. SCHMIDT) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To prohibit the manufacture, marketing, sale, or shipment in interstate commerce of products designed to assist in defrauding a drug test.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Drug Testing Integrity  
5 Act of 2009”.

6 **SEC. 2. BAN OF PRODUCTS DESIGNED TO DEFRAUD DRUG**  
7 **TESTS.**

8 (a) CONDUCT PROHIBITED.—It shall be unlawful to  
9 knowingly manufacture, market, sell, ship, or otherwise  
10 provide to another individual any product with the intent

1 to assist such other individual to use such product to de-  
2 fraud a drug test.

3 (b) DEFINITION.—As used in this Act, the term “de-  
4 fraud a drug test” means—

5 (1) submit a substance that purports to be from  
6 an individual other than its actual source, or pur-  
7 ports to have been excreted or collected other than  
8 when it was actually excreted or collected; or

9 (2) engage in any other conduct with the intent  
10 to produce a false or misleading outcome of a test  
11 for the presence of a controlled substance.

12 **SEC. 3. ENFORCEMENT BY THE FEDERAL TRADE COMMIS-**  
13 **SION.**

14 (a) UNFAIR AND DECEPTIVE ACT OR PRACTICE.—  
15 A violation of section 2 shall be treated as a violation of  
16 a rule defining an unfair or deceptive act or practice pre-  
17 scribed under section 18(a)(1)(B) of the Federal Trade  
18 Commission Act (15 U.S.C. 57a(a)(1)(B)).

19 (b) ENFORCEMENT AUTHORITY.—The Federal  
20 Trade Commission shall enforce this Act in the same man-  
21 ner, by the same means, and with the same jurisdiction  
22 as though all applicable terms and provisions of the Fed-  
23 eral Trade Commission Act were incorporated into and  
24 made a part of this Act.

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